

Department of Permits and Development Management  
111 West Chesapeake Avenue  
Towson, Maryland 21204

In the Matter of

Civil Citation No. 72225

M & M Investing LLC

1919 Larkhall Road

Respondent

FINDINGS OF FACT AND CONCLUSIONS OF LAW  
FINAL ORDER OF THE CODE ENFORCEMENT HEARING OFFICER

This matter came before the Baltimore County Code Enforcement Hearing Officer on March 3, 2010, for a Hearing on a citation for violations of the Baltimore County Code (BCC) section 13-7-305, 306, 307, failure to remove rat infestation; section 13-4-201, failure to store trash in cans with tight fitting lids; section 13-7-310, 312, failure to remove all junk, trash and debris; section 12-3-106, failure to remove feces on a daily basis on residential property zoned known as 1919 Larkhall Road, 21222.

On February 3, 2010, pursuant to § 3-6-205, Baltimore County Code, Inspector Buc Thompson issued a Code Enforcement citation. The citation was sent to the Respondent by 1<sup>st</sup> class mail to the last known address listed in the Maryland State Tax Assessment files.

The citation proposed a civil penalty of \$1,000.00 (one thousand dollars).

The Respondent failed to request a Code Enforcement Hearing and/or failed to appear after requesting a Hearing. Baltimore County Code, § 3-6-205(d) provides that in case of failure to request a Code Enforcement Hearing or if the violator (Respondent) fails to appear after requesting a Hearing then the citation and the civil penalty, shall be the Final Order of the Code Official not subject to appeal.

After proper consideration of all the evidence presented, the Hearing Officer finds:

A. A Correction Notice was issued on December 8, 2009 for removal of trash and debris and storage of garbage in containers with tight lids. A Correction Notice was issued on December 19, 2009 for removal of trash and debris, daily removal of animal feces, storage of garbage in containers with tight lids, and abate rat infestation and remove rat holes from property. This Citation was issued on February 3, 2010.

B. Photographs of this investment property in the file show bagged garbage on the ground, and scattered trash on the ground in the rear yard of this row home. This violates prohibitions against the accumulation of junk, trash and debris on residential property, and prohibitions against creation of possible harborage for rats. BCC Section 13-4-201, Section 13-7-309, Section 13-7-310.

C. Photographs in the file also show piles of dog feces in the rear yard. Failure to clean up dog feces violates prohibitions against accumulation of garbage on residential property, and creates food for rats. Respondents must clean up the dog feces on a daily basis. BCC Section 13-7-309, Section 13-7-310. Collected feces must be properly stored in the same manner as garbage, in waterproof cans with tight-fitting lids. BCC Section 13-4-201.

D. Photographs in the file also show large rat holes next to the shed in the rear yard, and large rat holes chewed in the bottom wall of the shed. The property owners have not responded to the County's notices and there is no evidence that Respondents have taken appropriate action to exterminate the rats. County law requires a property owner or occupant to treat a rat infestation until the rats are eradicated. BCC Section 13-7-305. County law also requires property owners and occupants to remove and abate rat harborage, including closing rat burrows. BCC Section 13-7-306. If Respondents do not abate the infestation within the time provided below, and provide the County with appropriate documentation including receipts from a licensed exterminator, the County will be authorized to enter the property for abatement at Respondents' expense.

IT IS ORDERED by the Code Enforcement Hearing Officer that a civil penalty be imposed in the amount of \$1,000.00 (one thousand dollars).

IT IS FURTHER ORDERED that the civil penalty will be REDUCED to \$100.00 (one hundred dollars) if the violations are corrected by March 29, 2010, with all trash, garbage and animal feces removed or properly stored in cans with tight lids, and with documentation provided showing that rat extermination services are being provided.

IT IS FURTHER ORDERED that after March 29, 2010, the County may enter the property for the purpose of removing all trash, garbage, debris, and animal feces, at Respondent's expense.

IT IS FURTHER ORDERED that after March 29, 2010, the County may enter the property for the purpose of exterminating the rat infestation, at Respondent's expense.

IT IS FURTHER ORDERED that if not paid within thirty days of billing, the civil penalty AND any expenses incurred by Baltimore County, as authorized above, shall be imposed and placed as a lien upon the property.

IT IS FURTHER ORDERED that the County inspect the property to determine whether the violations have been corrected.

ORDERED this 16<sup>th</sup> day of March 2010

Signed: ORIGINAL SIGNED  
Margaret Z. Ferguson  
Baltimore County Hearing Officer